

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 CHARLES BURTON RITCHIE,
7 BENJAMIN GALECKI,

8 Defendants.

Case No.: 2:15-cr-0285-APG-EJY

**Order Setting Telephonic Status
Hearing**


9 Sentencing is scheduled for January 10, 2020. The sentences I impose will be affected by
10 my determination of the applicable drug weight conversion ratio under Sentencing Guideline
11 § 2D1.1. The parties have filed memoranda on that issue (ECF Nos. 473, 477), and the
12 Government seeks to offer at least one expert witness (Dr. Trecki) on that issue. Given the
13 importance and complexity of this issue, it may be more efficient for me to reach a decision on it
14 before the parties submit their sentencing memoranda. I am willing to bifurcate the sentencing
15 hearing to first decide the applicable Sentencing Guideline range, and then (at a later date)
16 impose sentence after the parties have a chance to incorporate my decision into their memoranda.

17 The Government also seeks to offer the expert testimony of Dr. Stacey Hail regarding the
18 application of Sentencing Guideline § 5K2.1 and the factors I must consider under 18 U.S.C.
19 § 3553(a). The defendants have moved to exclude her from testifying. ECF No. 485. If I permit
20 her to testify, I could hear her testimony in either phase of the bifurcated sentencing hearing.

21 I would like the parties' input into this decision. The parties are ordered to confer with
22 each other about whether sentencing should be bifurcated in this fashion. And they should
23 confer with their respective witnesses about potential dates. I will conduct a **telephonic-only**

1 hearing on **Thursday, December 11, 2019 at 9:30 a.m.** to discuss whether to bifurcate the
2 sentencing hearing and, of so, the dates to use. The parties shall call into the hearing by dialing
3 (877) 336-1831 and using access code 6948860. Due to poor call quality, the use of speaker
4 phones and cell phones is prohibited.

5 DATED this 4th day of December, 2019.

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9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
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